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IN CLERKS OFFICE

"Pro se filings must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v Pardus* 551 U.S. 89, 94, 127, 5 Ct 2197, 167, L Ed 2d 1081

"We generally construe pro se pleadings liberally." *Mann v Boatright* 477 F3d 1140, 1148 n4; *Haines v Kerner* 404 US 519, 520-21 92 S Ct 594, 30 L Ed 2d 652. "The United States Supreme Court holds allegations of a pro se complaint to less stringent standards than formal pleadings drafted by lawyers."

I am challenging the constitutionality of the Statutes I am facing as they burden the 2nd Amendment and I am bearing the weight of that burden by being jailed for over 120 days; damages to my reputation; forced to spend finances and am suffering mentally and spiritually as a result. I am thus seeking the Courts to award me damages and declare said Statutes Unconstitutional for burdening the 2nd Amendment and the people beyond the goal of preventing criminals from being criminals. The government has no constitutional power to criminalize any rights, nor convert them into licensable privileges nor permit them as

with.

(1)

Amendment

Liability of Persons

1) According to Article VI of the Constitution, all persons within government must take an oath to support and defend and uphold the Constitution. This absolutely implies liability when an official breaks, breaches or violates that oath. My claim thus implies and asserts that the said officials knowingly violated their oaths by enacting, enforcing and converting people under statutes that are clearly unconstitutional. When any unconstitutional law is enacted, and enforced, the government officers are no longer operating in their official capacity and therefore ^{are} no longer protected from constitutional immunity. Government officials are obligated to know law and therefore are not immune from punishment when they knowingly or "unknowingly" break the law or violate their public trust. Pursuant to the ^{unanimous} ~~consensus~~ Declaration of Independence, which is part of the Constitution (see article 6), government officials are given over by the people to protect the people's pre-existing god-given rights. These rights, as stated in the declaration, can not be transferred to another nor repudiated, cast off, nor denounced. Among these rights, which the people refer to as inalienable or unalienable, is the "Right to Keep and ~~own~~ ^{bear} arms." The people then reiterate the fact that it's inalienable by declaring that the right to keep and ~~own~~ ^{Bear} arms "shall not be infringed." Meaning nothing can go against this right. For public safety the federal courts have stated that the states may regulate fire-arms sales by requiring

(2)

background checks to ^{convicted} ensure criminals are not purchasing fire-arms; and to ensure that schools and specific federal buildings prohibit fire-arms. But the federal government, nor the Constitution itself, nor the people themselves ever granted the power of any State or government official to turn any act which is in and of itself not a crime and lacks every element of a crime, into a crime. By doing so, the State/Commonwealth has turned innocent actions into a crime and therefore is capable of arresting people without criminal intent for keeping and ~~possessing~~^{bearing} arms by calling it "unlicensed possession." But the Constitution itself never granted the right, it simply ensures the protection of that which already exists. Therefore the Constitution itself declares the act of keeping and ~~possessing~~^{bearing} arms "unlicensable." This is done with the Second Amendment, the Declaration of Independence and Article VI of the Constitution by declaring any law of any State, contrary to it, notwithstanding viz not, void ^{and} unconstitutional. Thus, when the Constitution declares that the 2nd Amendment cannot be licensed and a State via its officials, licenses that right and like the Slave laws of 1729, ~~converts~~^{converts} the Unlicensed Keeping and bearing or exercising of the right into a crime, ~~and~~ and no government officials; whose very job it is to protect the people from encroachment of their rights - ~~say~~^{say} and do nothing. Those people become enemies of the

People. And Violate their public trust and obligation.

There already exists case law which state the claim and exercise of a constitutional right cannot be converted into a crime. *Miller v. U.S.* 230 F.2d 486, 489. And An officer who acts in violation of the Constitution ceases to represent the government. *Brookfield Const. Co v. Stewart* 284 F. Supp. 94. And therefore has no immunity. "Officers of the law, in the execution of process, are required to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." *Rogers v. Marshall* (United States use of *Rogers v. Conklin*), 1 Wall US 694, 17 Fed 714; "Public officials are not immune from suit when they transcend their lawful authority by invading constitutional rights." *Afleia v. Woodward* 406 F.2d 137; "Immunity fosters neglect and breeds irresponsibility while liability promotes care and caution, which caution and care is owed by the government to its people." *Zabon v. Rowen Memorial Hospital, Inc* 269 N.S. 1, 13, 152 SE 1d 485, 493; no public official has absolute immunity from suit. *Samuel v. University of Pittsburg* 325 F Supp 1119, see also *White v Fleming* 324 Supp 267.

By the legislature enacting; the execution enforcing; and Judiciary administering any law or statute which clearly infringes upon a right that is protected

41

by the Constitution, all those officials have created liability onto themselves. The 3 branches of government are established to create ~~into~~ a balance of power. Yet in this case, none of the branches prevented these unconstitutional Statutes from existing, being enforced and subsequently from sending innocent people to jail for an act that according to jurisprudence, is not a crime. The unlicensed application of the 1st Amendment is not a crime. But defamation of character is a crime as there is criminal intent and someone suffers a ~~loss~~^{loss}, injury or damages. Where is the criminal intent, loss, damage or injury to a person in the keeping and bearing of arms? On the contrary, when the government ~~is~~ converts a right into a privilege and license it as herein, the people suffer loss, damages and sustain unnecessary injury caused and inflicted by the government.

Claim upon which relief may be granted.

① The claim I am making is that the aforementioned Statutes are unconstitutional. As a result of said unconstitutional Statutes in conjunction with one another, I have been unlawfully arrested based on the color of said Statutes, jailed because of the unlawful enforcement of said Statutes and have been deprived of my right to ~~own~~^{bear} arms, my right to the pursuit of happiness, deprived of my right to be with my loved ones,

(5)

deprived of my right to raise my child; labeled a domestic terrorist by the media and have been forced to spend resources unnecessarily based on the enforcement of those aforementioned unconstitutional statutes. I have also suffered severe mental anguish, emotional anguish and spiritual anguish having been jailed for simply exercising the Second Amendment. The same right I fought for and lost friends overseas to, while serving in the United States Marine Corps. The claim is simply that the statutes are unconstitutional and I have suffered damages to which I am owed remedy, ~~recourse~~^{recourse}, relief and any other award or reward owed to me based on the law. I also have raised a valid claim challenging the constitutionality of the Mass Statutes that the Federal Courts are obligated to hear. I have suffered based on those unconstitutional statutes and thus owed for damages. The statutes burden militias, which 10 USC 246 recognizes both militias under immediate control of the state government referred to as the "organized militia", and militias formed by the people of their own free will called "unorganized militia". Originating from Rhode Island where there is no crime of possessing Standard 30 round magazines, or higher, likewise the unlicensed open carry of a weapon is not a crime. Our final destination was Maine where the conditions are the same. Thus where we were coming from to ~~our~~ our final ~~destination~~^{destination}, our acts are not crimes. We,

(6)

if we, I mean ~~we~~ the Moorish militia, were held
 hostage on I-95 North, towards Maine, forced to
 possibly defend ourselves and thus forced to open
 carry our arms in a State we had no ~~intentions~~^{intentions}
 on making any unnecessary steps; nor was ^{it} our
 final destination. We were simply traveling through
 with no intentions on staying. Clearly an entire
 2nd Amendment ~~authorized~~ militia being jailed for simply
 exercising the 2nd Amendment with no Criminal
 intent pursuant to the aforementioned Unconstitutional
 Statutes, burdens the Core of the 2nd Amendment.
 If a militia were to assist Massachusetts from foreign invasion
 or tyranny they could have to stop at its ~~boarders~~^{boarders} and ~~await~~^{await}
 for licensing to do what the 2nd Amendment ~~protects~~^{already}
 protects the pre-existing right to do, what the license would
 Unconstitutionally allow or deny. A license indicates that
 the thing the license is for could be unlawful without it.
 But the carrying, keeping, ~~bearing~~^{bearing} and possession of arms is
 already declared lawful by the 2nd Amendment. ~~Further~~^{Further}
~~Proving~~^{Proving} the Unconstitutionality of Said Statutes. Thus, as an
 individual and a militia member I and we have been
 jailed Unconstitutionally based on Said Statutes. We have
 trained with ammo and High Capacity magazines and body armor
 and notified the police in protocol P1 and were not
 arrested nor called domestic terrorists. Yet now we
 are arrested and the media, because of the police and
 these statutes have spread that we are terrorists. Clearly
 we as individuals and a militia have suffered damages, and
 are seeking remedy from the Courts & ~~Justice~~

①

I have been deprived of my Constitutional, human and divine rights under the following statutes which clearly violate the 2nd Amendment and is/are therefore ^{notwithstanding} ~~unlawful~~ ~~and~~ and are merely the Color-of-law.

The Second Amendment protects the Unlicensed right to Keep and bear/bare arms. The word 'Keep' means "to have," or "possess"; the word bare/bear means "to carry," or "to possess."

"POSSESSION OF A LARGE CAPACITY WEAPON" C.269 §10(m) is Unconstitutional because it makes Keeping and bearing arms a crime. *Miller v. Bonta* and *Duncan v. Becton*, the Federal Circuit (rely) ruled Standard and higher Capacity magazines and arms such as the AR-15 style Platform are weapons protected by the Constitution.

"Possession of a Large Capacity Feeding Device." C.269. §10(m). is Unconstitutional for the same reasons above and in *Duncan v. Becton* it was found that a significantly large amount of law abiding Americans have large capacity feeding devices and are also considered arms protected by the Second Amendment.

"POSSESSION OF A FIREARM" C.269 §10 (a). is Unconstitutional for the reasons stated above.

"POSSESSION OF A RIFLE OR SHOTGUN." C.269 §10(E). is Unconstitutional for the reasons stated above.

"CONSPIRACY TO POSSESS FIREARMS" C.274 §7. is Unconstitutional because the Second Amendment protects the possession of fire arms and for reasons stated above.

"POSSESSION OF A LOADED FIREARM" 269 §10 (a). is Unconstitutional for the above stated reasons.

(9)

"Possession of Ammunition" 269 § 10(h) is unconstitutional for the above reasons and additional reasons already filed with the Courts. To include Jackson v City declaring that ~~without~~ ^{without} the right to possess ammunition the 2nd Amendment would be useless.

Since those statutes all strike at the core of the Second Amendment they are "NOT WITHSTANDING", are contrary to the Constitution and are therefore arbitrary unenforceable. Thus any enforcement is ~~Order~~ ^{Color} of law. This, being United and arrested ~~purported~~ ^{Pursuant} to said unconstitutional statutes is deprivation of the right ^{under color of law} to bear arms and the right to be free as well as the right to be free from ~~encroachment~~ ^{encroachment} of my rights and I am thusly seeking only and all ~~remedies~~ ^{remedies} available to me by the laws of the Union.

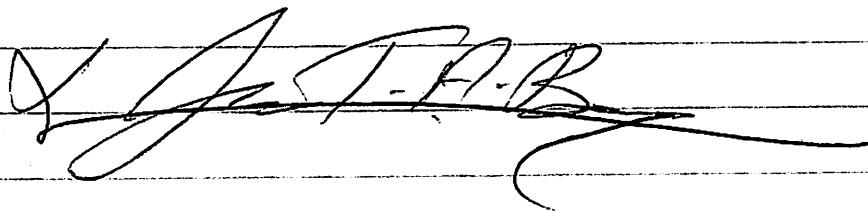
On July 3rd, 2021 I was traveling on a peaceful journey as a militia organization pursuant to the Second Amendment. With guns purchased lawfully after passing a state and federal background check. Enroute to Maine, to my Uncle's private land to conduct militia training pursuant to the Second Amendment. Upon our peaceful journey, we brought gas cans to ensure we did not need to make any unnecessary stops on our 5 hour ride to our final destination. Since we are a militia organization pursuant to 10 USC 246 (B)(2) ~~we~~ ^{we} fall within the jurisdiction of a Military organization with proper exemptions to include but not limited to persons

(9)

in the military ~~viz~~ militia or other Service of the State
 being exempt from restrictions on traveling with arms or arms possession.
 We briefly stopped our convey to put fuel in our
 lead vehicle. An action requiring one person and approximately
 less than 5 minutes. After we pulled ourselves over
 on I-95 near Wakefield Massachusetts and before
 we could put fuel in our vehicle. A rather large
 vehicle with Bright white lights approached from
 the rear. Knowing that people like Dylan Rook has
 murdered innocent people in a Church ~~during~~ ^{during} service,
 and knowing based on observation that there are
 often big trucks on the road with lights affixed
 to their vehicles who are not law enforcement
 and at 1am in otherwise total darkness, since
 we could not identify who was behind us.
 For our safety. We exited our vehicles. "even the
 Second Amendment protects to some degree a right to
 own arms in public." *Bondy v. US Postal Service*
 790, Fed at 1125. "The Second Amendment [is] fully
 applicable to the States and protected the right to
 keep and bear arms for purposes of self-defense."
McDonald v. City of Chicago 561 US 742 United
 States Supreme Court. June 28 2010. Once the
 individual was identified as Trooper Ryan Casey
 a Mass State Trooper. I gave him all the
 information he needed to do his job. I asked
 him and Matt McDevitt what their probable
 cause was for preventing us from continuing

(10)

On our peaceful journey. They both stated they did not know. Hours later we were unlawfully arrested for keeping and bearing arms. We were subsequently brought before Emily Karsette - of 33 Clark St Boston MA. who not only assisted the prosecution but was extremely prejudice to the defense and allowed these charges, which are at their core, legislation that simply converts the right to keep, possess and bear arms into a privilege, license or like the Christian Black Codes of 1729 punishes anyone who doesn't have permission from the state for exercising the right guaranteed to them pursuant to the U.S. Constitution, which clearly is unconstitutional and does not fall within governments scope or regulating firearms for the safety of the public. Since these unconstitutional statutes exist and are enforced 11 innocent men, part of a Constitutional militia with no criminal intent have been jailed during 4th of July weekends. A day which would not exist if militias did not maintain the unlicensed right to possess arms to insure the magazines and ammunition to be efficient and effective.



(11)

Infringe - Verb - "to go against" mid 15th Century "to violate" from Latin "Infringere", to damage, from en plus frangere, to break. A breach or break of contract. A sense of contradiction.

Chicago v. Collins 51 NE 907; Freeburg v Dawson 274 F 240: A right which is free and open to all is not the subject to a license or tax. Thus the licensing of any right, including the right of free speech, the right to bare arms, the right to due process and the right to a trial by jury is an infringement against these rights which are rights that pre-exist and are inalienable, god given, natural, ^{and} absolute. ~~absolute~~

Moore v. Madigan held licensing for open carry unconstitutional. "One does not have to be a historian to realize that a right to keep and bare arms for self defense could not rationally have been limited to the home. Moore 702 F.3d at 936.

The right to keep and bare arms was recognized not granted in the constitution for it always existed. Id at 619 Citing John Ordronaux Constitutional Legislation in the US 241-42 1891

(12)

Single Justice of the Supreme Judicial Court of Massachusetts in Commonwealth v. Young 453 Mass 707. "Unlicensed possession of a firearm does not manifest a disregard for the safety and well-being of others... it is passive and victimless."

"Firearms do not cause harm merely by existing". Commonwealth v. Kelly 484 Mass 53.

How can something be a crime and passive to the point of not manifesting a disregard for the safety and well-being of others when by definition a crime is not passive and absolutely manifests a disregard for the safety and well-being of others. Such as: Murder; Fraud; Theft; Assault; Negligence or duty; Breach and Entering; Bank robbery; armed robbery; armed assault etc.

As a former Marine of 4 years of active duty service; who has lost friends whom I met at boot-camp to the war of Iraq and Afghanistan, in the name of defending the Constitution. How can I be subject to confinement in jail for exercising my Second Amendment right. The same right I served to defend. The same right my friends were blown up for. I received a good conduct

(13)

Medal for good Service, meritorious promotion and a meritorious award Awarded by an Honorable Discharge^{and} recommended as tier-1 Marine by my Staff NCO's and have Service Connected disabilities. Now, Without Criminal Intent, Without the desire or threat to hurt, harm or injure anyone, or simply exercising a right which in and of itself has been not only declared a right, but declared to be a right that can be exercised in the public; a right that is not a manifest danger to anyone and does not ~~care~~ disregard the safety ^{or} ~~of~~ well being of anyone. I have been in Jail Since July 2nd to date, almost One-hundred and twenty (120) days. Since, I've questioned my reason for Service. I've thought of how my 4 years away from my loved ones clearly meant nothing. I've considered burning my medals, awards and Dress-Blue Alpha Uniform. I've considered throwing away my most precious item, the Eagle-Scabbard and Anchor I received from my Senior Drill Instructor SSgt Freeman September 2010 after completing the Crucible in Marine Corps Recruit Depot Parris Island a 3rd BN India Company Platoon 3028. All of these moments, friends left, my love of Service

(14)

my reason for serving, my struggles upon my honorable exit from service and struggles to adjusting to civilian life to ensure I was not one of the 22 Veterans who commit suicide this year, since July 3rd 2021 of my life, clearly and on its face, meant nothing. Ripped apart from my loved ones for over 4-months, Subject to 23 hour confinement, forced to live with people who openly admit to being criminals, yet receive bail and are or have been confined to jail for less time than I. I, who thought being a good person means something, I thought my service as a Marine means something. It doesn't. I've thought of seeking therapy from the VA once released, but for what? I've already been subjected to this cruel and unusual punishment for an act that causes harm to no ~~one~~ ^{one} I've been denied into the Veterans Justice Outreach program without cause. The federal government is my only hope for freedom. The State Courts clearly and evidently care nothing for the Constitution my friends have died for. The same Constitution my Sgt Ryan Raiser was hit by an IED for and sustained a permanent spine injury for. I have made nothing but Constitutional arguments

(15)

and claims which have absolute merit and cause upon which relief maybe granted at both the State and federal levels. My future looks dark in the face of a system that pushes the belief of the Constitution but when one is clearly injured and has suffered as much as I have and pled and begged for ~~the~~ ^{constitutional} application. It has fell on ~~deaf~~ ^{deaf} ears as if it is my personal belief. Approximately 34 States have made the unlicensed open carry of arms, loaded arms, not a crime. 34 of 50 is a majority. In a republican form of government (Article 4 Section 4) majority rules. The majority ruling is also how bills are passed in both the upper-chamber of the Senate and lower-chamber of the House of representatives. Both in the State we were exiting Rhode Island and the State we were going to, Maine does not have laws which prohibit militias nor ^{"long-arms"} the general public from open carrying of ~~"long-arms"~~. We also ~~had~~ ^{had} no intentions on staying or permanently stopping in Massachusetts. Sgt McDevitt and Ryan Casey admitted on the court record that they had no probable cause at the time of their arrest and stop, yet here I still am. In jail with no hope and proof of prejudice and discrimination against me. ~~me~~

(16)

Damage to my mind is already done. I don't know if I should believe in the Constitution because when I enforce it, as now, I'm held dangerous for enforcing the ~~Constitution~~ ^{Constitution and} Branded a terrorist. I don't know what lessons on morality I can teach to my children or society to encourage them to be a good person and expose them that good things come to those who do good. I sit here forsaken by my fellow man. I know of no other entity to call upon when the Constitution is being violated beside the federal government. It is the only authority with Constitutional ^{power} ~~power~~ to hear claims arising from the Constitution in law or equity. (Article III section 1 and 2) By all standards of Constitution, law and equity I have been and am being violated. The Spirit of Constitutional law protects me. Yet here I am in jail with no one able to ^{accuse} ~~accuse~~ me of ^{harming} ~~harming~~ them or threatening to harm them, nor selling drugs or causing public harm. No corpses detected; no loss or criminal act which resulted in a loss. No person claiming a loss, injury or breach of contract because of my actions. Simply the Commonwealth or Massachusetts claiming I can't exercise the 2nd amendment right without their permission that is the only reason I am in jail.

Additional argument to Stay State Proceedings.

In *Young v. Harris* the Supreme Court held that Federal Courts MUST enjoin State Criminal Proceedings in very unusual situations that are where injunctions are necessary to prevent great and immediate irreparable injury. *Ohio Civil Rights Comm. v. Dayton Christian Sch* 457 U.S. 619 620.

This is a very unusual situation and immediate and irreparable injury has already been sustained. Mere possession of an object that is commonplace and perfectly legal under Federal law and in forty-four States ~~cases~~ has landed me in jail and a conviction of these statutes constitute a felony which result in the loss of my right to vote, and has and is causing irreparable monetary damages, reputational damages, and has caused me to ~~lose~~ lose personal liberty. All of this in the absence of a single victim. Withal, I am re-asking the Court to place a stay on these State proceedings and release me until the conclusion of this case.

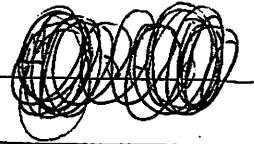
J. H. Bay

Addendum

Younger v. Harris 461 US 37
 Ex parte Young 209 U.S. 123 and
 following cases have established
 the doctrine that when absolutely necessary
 for protection of Constitutional rights
 Courts of the United States have
 power to enjoin state officers from
 instituting criminal actions.

The irreparable injury is prima
 facie in regards to us traveling
 upon our peaceable journey, only
 making the necessary stop to refuel
 our vehicle as a militia. When
 the Mass state trooper, without
 cause got behind our already stopped
 vehicles which resulted in the
 police establishing a firing line and
 blocking the interstate 95 highway.
 Subsequently arresting us without
 probable cause for exercising our Second
 Amendment right. Resulting in the
 media calling us terrorists, being
 mistreated while in jail as if we
 were terrorists, losing our jobs,
 losing our homes, being

Addendum



Forced to spend finances on
Commissary, phones, etc all while
not being able to work. The
State of Massachusetts conspiring
with the news is causing immediate
injury and severe damage to our
character and reputation

The Single Justice of the Supreme Court reported "In Commonwealth v. Young 453 Mass 707.

"Unlicensed possession of a firearm does not manifest a disregard for the safety and well-being of others, and, therefore lacks the menace of dangerousness." "It is passive and victimless."

"Firearms do not cause harm merely by existing." Commonwealth v. Kelly 484 Mass 53

"... the Second Amendment protects to some degree, a right to bare arms in public." Bonidy v. U.S. Postal Service 790 F3d at 1125

"... the Second Amendment right is "to keep and bear arms", "bare" certainly implies the possibility and even the likelihood that the arms will be carried outside the home." Clark v. City of Shawnee 288 F Supp 3d 1210.

"... two circuits, the 7th and 9th "having expressly recognized a Second Amendment right to bare arms for self-defense that extends beyond the home." Chesney v. City of Jackson 171 F Supp 3d 605, 622

"Law[s] which impose licensing requirements but exempt law enforcement ... include State militia." *Clark v. City of Shawnee* 228 F Supp 3d 1210

"The Second Amendment [is] fully applicable to the States and protected the right to keep and bear arms for purposes of self-defense." *McDonald v. City of Chicago* 561 US 742 ... "the right to keep and bare arms [is] a fundamental right necessary to the nations System of ordered liberty ... provisions of the bill of rights apply with full force to both the Federal government and States ... Senator Samuel Pomeroy ... 39th Congressional globe 1182 ... "Every man ... should have the right to bear arms for the defense of himself and family and his homestead."

"The governments [ability] to regulate the carriage of weapons in public places is not unlimited ... The contours of the governments power to regulate arms in the public square and even prohibit, in public places, including government buildings, Churches, Schools and markets, the open carry of small arms capable of being concealed, whether they are carried concealed or openly." *Young v. Hawaii*

" A challenged law " On its face ... implicates the core because it applies to law-abiding citizens and imposes restrictions... "Jackson, 746 F.3d at 963.

" Once [the Second Amendment was] identified as an individual right focused on self-defense, the right to bare arms must guarantee some right to self-defense in public. See Peruta II, 824 F.3d at 939, We are satisfied that the Second Amendment encompasses a right to carry a firearm openly in public for self-defense."

" Heller and McDonald describe the core purpose of the Second Amendment as self-defense, see Heller, 554 US at 599; McDonald 561 US at 787, and "bear" effectuates such core purposes of self-defense in public. We are persuaded, therefore, that the right to carry a firearm openly for self-defense falls within the core of the Second Amendment." Young v. Hawaii 896 F.3d 1044

" Millions of ammunition magazines able to hold more than 10-rounds are in common use by law-abiding responsible citizens for lawful use like self-defense. This is enough to decide that a magazine able to hold more than 10-rounds passes

the Heller test and is protected by the Second Amendment. The Simple test applies because a magazine is an essential mechanical part of a firearm. The Size limit directly impairs ones ability to defend ones Self. Neither magazines, nor rounds of ammunition, nor triggers, nor barrels are specifically mentioned in the Second Amendment. Neither are they mentioned in Heller. But without a right to keep and bare triggers, or barrels or ammunition and the magazines that hold ammunition, the 2nd Amendment right would be meaningless." *Fyork v. City of Sunnyvale*, 779 F 3d 991, 998.

"...there must be some ... right to possess ... magazines." See *Teixeria v. City of Alameda* 873 F 3d 670, 677.

"Jackson thus held that 'the right to possess firearms ... implies a ... right to obtain the bullets necessary to use them. also see *Ass'n of NJ rifle and Pistol Club v. A.G. N.J.* 910 F 3d 106, 116 ... the question is whether a magazine is an arm under the Second Amendment. The answer is Yes..." Law [5] prohibiting acquisition and possession of magazines able to hold any more than 10-rounds ... is Unconstitutional Under any level of scrutiny. *Jackson v City of SF*. 746 F.3d 953, 961. *Duncan v Belerra* 366 F Supp 3d 1131

Massachusetts Constitution of 1780 part I article 17.

"The people have a right to keep and to bear arms for the common defense."

"A well regulated Militia, being necessary to the Security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Constitution Second Amendment

Headnotes of Miller v Bonta US Dist Southern District of California. 19-CV-1537-BEW (JLB) "In the context of the Second Amendment, the Constitutional imperative is on the government ~~not~~ ^{to} not infringe." ... "The concept of the Citizens militia, as protected by the Second Amendment is an informal assembly of able-bodied, ordinary citizens acting in concert for the security of the nation. A Citizens militia is a safeguard against tyranny." ... "There is only one policy enshrined in the bill of rights. Guns and ammunition in the hands of criminals, tyrants and terrorists are dangerous; guns in the hands of law-abiding responsible citizens are better. To give full life to the core right of self-defense, every law-abiding responsible individual citizen has a Constitutionally protected right to keep and bear arms commonly owned and kept for lawful purposes... Then, and now, the Second Amendment may be considered as the true palladium of liberty."

"[T]he carrying of a gun per se constitutes no offence. For any lawful purpose - either of business or amusement - the citizen is at perfect liberty to carry his gun. It is the wicked purpose - and the mischievous result which essentially constitutes the crime. He shall not carry about this or any other weapon of death to terrify and alarm and in such manner as naturally will terrify and alarm a peaceful people." North Carolina Supreme Court. State v Huntly 25 NC 31red 418

Miller v Bonta "One is to be forgiven if one is persuaded by mass media and others that the nation is awash with murderous assault rifles. The facts, however, do not support this hyperbole and the facts matter. Federal Bureau of investigation murder statistics do not track assault rifles, but they do show that killing by knife attack is far more common than murder by any kind of rifle." See "According to statistics from the Justice Department and reports from local law enforcement, five times as many people are killed or beaten to death than are killed with assault rifles."

References

Arms - *Anything that a man wears for his defense, or takes in his hands, or uses in his anger, to cast at or strike at another. Co. Litt. 161b, 162a; State v. Blizzard, 4 Ark. 18. Arms, or coat of arms, signifies insignia, i. e. ensigns of honor, such as were formerly assumed by soldiers of fortune, and painted on their shields to distinguish them; or nearly the same as armorial bearings (q.v).*

Weapon - *An instrument of offensive or defensive combat, or anything used, or designed to be used, in destroying, defeating, or injuring an enemy. Perry v. Commonwealth, 286 Ky. 587, 151 S.W.2d 377, 379; People ex rel. Griffin v. Hunt, 150 Misc. 163, 270 N.Y.S. 248. Something to fight with. Highsaw v. Creech, 17 Tenn.App. 573, 69 S.W.2d 249. The term is chiefly used, in law, in the statutes prohibiting the carrying of "concealed" or "deadly" weapons. See those titles. And see also "Offensive."*

2nd Amendment - *A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.*

Supreme court decisions:

"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law." Marbury v. Madison, 5 US 137

"There can be no sanction or penalty imposed upon one because of the exercise of a constitutional right."

Sherar v. Cullen, 481 F. 945 (9th Cir.1973) Spevack v. Klein, 385 U.S. 511 (1967) Garrity v. NEW JERSEY, 385 U.S. 493 (1967) Boyd v. United States, 116 U.S. 616 (1886) Malloy v. Hogan, 378 U.S. 1 (1964)

"Licenses are for the conduct of a business, profession, occupation, the exercise of such when they are a privilege. Licensing is in the nature of a SPECIAL PRIVILEGE entitling licensee to do something that he would not be entitled to do without a license." **San Francisco v. Liverpool, 74 Cal 113**

"No state shall convert a liberty into a privilege, license it, and attach a fee to it." **Murdock v. Penn., 319 US 105**

"If the state converts a liberty into a privilege, the citizen can engage in the right with impunity." **Shuttlesworth v. Birmingham, 373 US 262**

"A right which is free and open to all is not the subject of a license or tax." **Chicago v. Collins, 51 NE 907; Freeburg v. Dawson 274 F 240**

"The court is to protect against any encroachment of Constitutionally secured liberties." **Boyd v. U.S., 116 U.S. 616**

"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason." **US v Will**, 449 US 200, 216, 101 S CT, 471, 66 LEd2nd 392, 406 (1980) **Cohens v Virginia**, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)

"No State legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it." **Cooper v. Aaron**, 358 U.S. 18 S.C.T. 1401 (1958)

"Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them." **Miranda v. Arizona** 384 US 436, 125

Article 6 (Oath of office)

Section 2: *This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

"If this is a Criminal Matter, there must exist an injured party, of which I would be obligated to make remedy to. If this is a Civil Matter, there must be an injured party, or property, even unto a preponderance of evidence. If this is an Administrative Court (Traffic Court) as well, there must be an injured party as defined in the established Rule of Law, submitted in Exhibit A:" **Board of Trade v. Olson**, **262 US 1;29 ALR 2d 105.**

1 Rape is a Crime everywhere. It is evil, it deprives one of the Sacred right and Gift from the Creative Force of the Universe called Freewill, the Freedom to Choose. It also causes ~~the~~ psychological damage to the Victim.

2 Theft / Larceny / robbery is a Crime everywhere. It is evil, it deprives one of their rights to their private property.

3 Assault is a Crime everywhere. It is evil, it deprives one of the right to be left alone and causes physical damage.

4 Fraud is a Crime everywhere. It is evil, it removes honor and morality among the dealings of mankind through deception, trickery and chicanery. It causes one to suffer a loss or damage.

5 Murder is a Crime everywhere. It is evil, it is the unlawful, unnecessary and malicious taking of an innocent persons life.

If I were to commit any one of these acts in Pawtucket RI it would be a crime, there is evil intent, an injury to an individual or group of individuals or the community, as they are crimes against moral laws, nature's law and many religious laws. Attleborough Massachusetts is less than 20 minutes away from Pawtucket Rhode T. State. If I walked from the border of each State of the Union, the above listed acts are and would be considered as crimes. Yet, if I stand on the same border line with a rifle, openly, without a license in Rhode -

Island, I would not be committing a crime. As
 there is no evil intent, there is also no injury to
 the public. Yet, if I take a ~~step~~ step into Attleborough
 MA, it is somehow a crime, yet in the surrounding
 States of MA, such as Maine and New Hampshire,
 just like RI it is not a crime. Simply because
 the Constitution that makes these States a
 Union requires an injured party for a crime.
 Massachusetts is also part of the Constitutional
 Union. The only thing that makes having arms
 a crime, is the Criminal Act of threatening
 innocent people, armed robbery, armed assault,
 the murder of innocent people with said arm,
~~assaulting an innocent person with the arm and~~
 forcing one to do something against their will with
 the threat to use or use of said arm. NOT
 mere keeping and having of said arms. Just
 because a legislature writes something that is colored
 or appears to be law, does not mean it is Constitution-
 al law and enforceable. Slavery was a written law,
 Judges, attorneys and governments enforced it simply because
 it was written. Until a few souls with proper
 moral guidance and adherence to Jurisprudence or Nature's
 law, changed that. Likewise with the 2nd Amendment
 and Britain's attempt to deprive Colonies of their arms
 or license them. The freed Colonies ensured that the
 people did not need permission/licenses from anyone
 by declaring the right to keep (have) and hold/possess (have) arms
 cannot be infringed. viz licensed, banned, limited, deprived with out due process etc.

According to *Masters v. The United States* 42 App DC 350
 Evil intent is an element of every crime, which must be
 in some way alleged and proved. — The word 'Crime'
 is defined as "Sinful" or "Wicked" or "an infraction of
 the laws of God." — Jesus the Son of God said "The
 Sin [Crime] lie in the desire [Intent] not the act
 itself." Jesus also taught and encouraged his followers to
 keep and bare arms publicly and in their homes. Luke 22:
 36 and Luke 11:21-26. Both Spiritual Law and the
 law of Nations regarding Crimes are the same.
 A crime must have evil intent, just like a sin, there
 must be evil intent. Which is why there is a difference
 between assault and self-defense. The former must have
 evil intent, the latter is with the intent of self-preservation
 and is therefore not a criminal act. Thus, all reasoning
 intellectual, morally apt men can deduce that the
 mere possession of an arm or "weapon" cannot be
 a crime. No matter if it is written in a statute.
 Any law contrary to the Constitution and rights of all
 freemen are null and void by their nature viz
NOTWITHSTANDING. Judges must not enforce color of
 Law written by the legislature, the
 3 branches of government create a balance to preserve Consti-
 tutional law. All Judges take oaths to the State and
 Federal Constitution, not to Statutes. Any law that infringes
 on the rights of the people cannot apply to the people
 as the people are the government. All government derives
 its power from the people.

Judicial Notice

Attached are House Resolution 0689 from the State of Illinois; House Resolution 1203 from the State of Georgia; and the Congressional Record from the Proceedings and Debates of the 90th Congress, 1st Session, June 13th, 1967, Volume 113 part 12, Page 15641 - 15646.

Both House Resolutions officially recognize and declare that Moors are not black, Negroes nor Colored People; that Moors / Moorish Americans are both aboriginal and indigenous to the Americas; that we Moors have our own government - thereby recognizing the Diversity of Citizenship and Diversity of Nationality between Moors and the United States; that Moors were emancipated from Slavery as a result of the 13th Amendment in 1865; and that Noble Drew Ali is a Prophet.

Pages 15641 - 15646 of the Congressional record prove that 11 State legislators and representatives proved that the 14th Amendment is Unconstitutionally that the Reconstruction Act caused a Military Coup which is and was illegal and unconstitutional; and that if it weren't for the Southern States the 13th Amendment would not have been ratified. Further proving the issue of Diversity as Moors nor Blacks are U.S. Citizens.